

## **REMARKS**

The Applicants respectfully request reconsideration in view of the following remarks and amendments. Claims 8 and 25 are amended. Claims 1-27 are pending in the application of which claims 1-7 and 20-24 have been withdrawn from consideration.

### **I. Usage of Trademarks in the Specification**

The Examiner has noted the usage of the trademarks PCI EXPRESS™ and PCI-X™ in the Specification. The Applicants have amended paragraphs [0010], [0020], and [0021] of the Specification to capitalize the instances of the trademarks. Further, paragraphs [0010] and [0020] have been amended to indicate that PCI EXPRESS™ and PCI-X™ refer to technologies that implement the respective bus architectures. In addition, the generic terminology for describing bus architectures are respectively mentioned in paragraphs [0010], [0020], and [0021] as “other similar memory controllers using other bus architectures,” in the context of chipsets and as “other I/O transaction layer bus protocols for other bus architectures,” and “other embodiments using other bus architectures, depending on the protocol used,” in the context of bus protocols.

### **II. Objections to the Claims**

The Examiner has objected to claims 8 and 25 for informalities. In response, the Applicants have amended the phrase “equivalent to and less” to state “equivalent to or less” to correct the claim language as suggested by the Examiner. Therefore, in light of these amendments, the Applicants respectfully request reconsideration and withdrawal of the objections to claims 8 and 25.

### **III. Claims Rejected Under 35 U.S.C. § 101**

Claims 25-27 stand rejected under 35 U.S.C. § 101 for being non-statutory subject matter. In response, the Applicants have amended paragraph [0058] of the Specification to remove the references to transmission technologies. In light of the foregoing amendment of the Specification, the Applicants now believe that claims 25-27 are directed toward statutory subject matter. Accordingly, the Applicants respectfully request reconsideration and withdrawal of the § 101 rejection of claims 25-27.

#### IV. Claims Rejected Under 35 U.S.C. § 103

##### A. Claims 8 and 25

Claims 8 and 25 stand rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 6,240,095 issued to Good et al. (hereinafter “Good”) in view of U.S. Patent No. 5,787,072 issued to Shimojo et al. (hereinafter “Shimojo”). To establish a *prima facie* case of obviousness the Examiner must show that the cited references, combined, teach or suggest each element of a claim.

In regard to claim 8, this claim, as amended, includes the limitations of “communicating to a chipset within a device coupled to the I/O controller within the device,” which are not disclosed in Good. Instead, the portion of Good relied upon by the Examiner along with other portions teach that a network interface circuit responds to a request from a *remote network device* that is located in a separate remote server away from the network interface card. See Good, column 3, line 65 - column 4, line 2, and column 5, lines 24-28. The Examiner has attempted to equate the “I/O controller” recited in claim 8 as being equivalent to the network interface circuit and the “chipset” recited in claim 8 as being equivalent to the remote network device. However, this interpretation fails to teach the cited limitation because the remote network device is located in a *separate computer* from the network interface circuit and is not “within a device coupled to the I/O controller within the device,” as recited in claim 8. Id. Therefore, for at least these reasons, Good fails to teach the limitations of “communicating to a chipset within a device coupled to the I/O controller within the device,” as recited in claim 8. Further, the Examiner has not relied upon and the Applicants are unable to discern any part of Shimojo that teaches the missing limitations of claim 8. Therefore, Shimojo fails to cure the deficiencies of Good. Thus, for at least these reasons, Good and Shimojo, combined, fail to teach or suggest each limitation of claim 8. Accordingly, the Applicants respectfully request reconsideration and withdrawal of the obviousness rejection of claim 8.

In regard to claim 25, this claim includes analogous limitations to those recited in claim 8. Therefore, for at least the reasons mentioned in connection with claim 8, Good and Shimojo, combined, fail to teach or suggest each limitation of claim 25. Accordingly, the Applicants respectfully request reconsideration and withdrawal of the obviousness rejection of claim 25.

### **B. Claims 9, 12-16, 18, 19, 26, and 27**

Claims 9, 12-16, 18, 19, 26, and 27 stand rejected under 35 U.S.C. § 103(a) as being obvious over Good in view of Shimojo in further view of U.S. Patent Publication No. 2002/0150049 issued to Collier et al. (hereinafter “Collier”).

In regard to claims 9, 12-16, 18, and 19, these claims depend from independent claim 8 and incorporate the limitations thereof. In regard to claims 26 and 27, these claims from independent claim 25 and incorporate the limitations thereof. As discussed previously, Good and Shimojo fail to teach or suggest each element of claim 8 and 25. Further, Collier fails to cure the deficiencies of Good and Shimojo in connection with claims 8 and 25. The Examiner has not relied upon and the Applicants are unable to discern any portion of Collier that teaches the missing limitations of claims 8 and 25. Therefore, for at least the reasons mentioned in regard to claims 8 and 25, Good, Shimojo, and Collier, combined, fail to teach or suggest each element of claims 9, 12-16, 18, 19, 26, and 27. Accordingly, the Applicants respectfully requests reconsideration and withdrawal of the rejection of claims 9, 12-16, 18, 19, 26, and 27.

### **C. Claims 10 and 11**

Claims 10 and 11 stand rejected under 35 U.S.C. § 103(a) as being obvious over Good in view of Shimojo in view of Collier in further view of U.S. Patent Publication No. 2003/0223369 issued to Anderson (hereinafter “Anderson”).

In regard to claims 10 and 11, these claims depend from independent claim 8 and incorporate the limitations thereof. As discussed previously, Good, Shimojo, and Collier fail to teach or suggest each element of claim 8. Further, Anderson fails to cure the deficiencies of Good, Shimojo, and Collier in connection with claim 8. The Examiner has not relied upon and the Applicants are unable to discern any portion of Anderson that teach the missing limitations of claim 8. Therefore, for at least the reasons mentioned in regard to claim 8, Good, Shimojo, Collier, and Anderson, combined, fail to teach or suggest each element of claims 10 and 11. Accordingly, the Applicants respectfully requests reconsideration and withdrawal of the rejection of claims 10 and 11.

### **CONCLUSION**

In view of the foregoing, it is believed that all claims now pending, namely claims 1-27, patentably define the subject invention over the prior art of record, and are in condition for allowance and such action is earnestly solicited at the earliest possible date. If the Examiner believes that a telephone conference would be useful in moving the application forward to allowance, the Examiner is encouraged to contact the undersigned at (310) 207 3800.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: 6/6, 2007

Thomas Coester  
Thomas M. Coester, Reg. No. 39,637

12400 Wilshire Boulevard  
Seventh Floor  
Los Angeles, California 90025  
(310) 207-3800

### **CERTIFICATE OF ELECTRONIC FILING**

I hereby certify that this paper is being transmitted online via EFS Web to the Patent and Trademark Office, Commissioner for Patents, Post Office Box 1450, Alexandria, Virginia 22313-1450, on 6-6, 2007.

Melissa Stead  
Melissa Stead 6-6, 2007